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Summary record of the 28th meeting
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Chair: Ms. Wegrzynowska (Vice-Chair) (Poland)
later: Ms. Mejía Vélez (Chair) (Colombia)

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In the absence of Ms. Mejía Vélez (Colombia), Ms. Węgrzynowska (Poland), Vice-Chair, took the Chair.

The meeting was called to order at 3 p.m.

Agenda item 68: Promotion and protection of human rights (*continued*) (A/71/40 and A/C.3/71/4 (to be issued))

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/71/48, A/71/56, A/71/254, A/71/255, A/71/269, A/71/271, A/71/273, A/71/278, A/71/279, A/71/280, A/71/281, A/71/282, A/71/284, A/71/285, A/71/286, A/71/287, A/71/291, A/71/299, A/71/302, A/71/303, A/71/304, A/71/305, A/71/310, A/71/314, A/71/317, A/71/319, A/71/332, A/71/344, A/71/344/Corr.1, A/71/348, A/71/358, A/71/367, A/71/368, A/71/369, A/71/372, A/71/373, A/71/384, A/71/385, A/71/405 and A/C.3/71/5)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/71/379-S/2016/788, A/71/540-S/2016/839, A/71/308, A/71/361, A/71/374, A/71/394, A/71/402, A/71/418, A/71/439, A/71/554 and A/C.3/71/5)

1. **Mr. Brillantes** (Chair of the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families) introducing his report (A/71/48), said that migration was a defining human rights issue of current times and must be addressed consistently. It was something to be embraced, not rejected. Migrant workers and their families must enjoy their human rights during their journeys of hope, in schools and in workplaces across the globe. The lack of reasonable avenues for regular migration led migrants to sacrifice their dignity, safety and lives in order to try to reach their destination. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families was a robust legal framework for safeguarding those rights. It set out the best strategy for preventing abuse and addressing the challenges that migrant workers faced. It also provided guidance on the elaboration of national migration policies for international cooperation based on respect for human rights and the rule of law. As a helpful tool for migration governance, the Convention explicitly provided a framework for human-rights-based policymaking on migration, including irregular migration. Yet no major destination country had ratified it.

2. Recognition that migrant labour was needed in destination countries and the establishment of additional channels for regular migration and family reunification would greatly assist in preventing the exploitation and other dangers faced by so many people seeking to live a life of dignity. Further insight was needed into the root causes that led people to make desperate attempts to flee their home countries. Migration should be a matter of choice. The factors which pushed people to risk their lives in search of safety and decent work must be addressed and long-term, durable solutions must be found. States should do all in their power to follow the necessary procedures for ratifying the Convention expeditiously. The simplified reporting procedure was available for countries already party to the Convention and whose reports were overdue.

3. The Committee continued to engage with States parties and signatories as well as non-States parties. It had issued several press statements relating to the situation of Syrian migrants, the global migration crisis and the deaths of migrants in the Mediterranean Sea. Committee members had been active in promoting the Convention through speaking engagements at United Nations and other forums. Such opportunities were vital for raising awareness of the Convention and of pressing issues relating to migrant workers. The Committee had consistently strived to give prominence to the promotion and protection of the rights of migrant workers. Despite progress, enormous challenges remained.

4. The potential of the Convention to bring about change had not been exploited to the fullest, largely owing to the fact that States of destination had not ratified it. Nevertheless, the commitment of many stakeholders had led to important changes in laws, policies and programmes which had improved the lives of many migrant workers and members of their families.

5. It was incomprehensible that, in the face of some of the largest migratory flows of people in history, the

political will to prioritize the protection of the human rights of migrants was still lacking. The Committee's request to participate appropriately in international forums on migration had recently gone unheeded. Eventually, it had been permitted to attend the High-Level Meeting on addressing the large movements of refugees and migrants, but only as an observer without a name plaque to recognize its existence. He hoped that in the future, the Committee would find its rightful place at the centre of such discussions.

6. He appealed to States to work with the Committee to accord the appropriate attention to the plight of migrant workers and their families, in particular through ratification of the Convention and active engagement with the Committee.

7. **Ms. Mortaji** (Morocco) asked what measures would be recommended to promote ratification of the Convention at a time when migrant workers and refugees in certain host countries were the target of xenophobia and racist discourse that would only serve to deepen their sense of isolation and heighten their vulnerability. Her country's unswerving commitment to the rights of migrants stemmed from its dedication to the values of solidarity and the principles of human rights and international humanitarian law. Indeed, Morocco was one of the first countries of the South to have adopted a national policy on migration and asylum, consistent with the relevant international conventions and based on an integrated approach aimed at preserving the dignity and guaranteeing the rights of migrants on its soil. Furthermore, Morocco had adopted a series of measures to update its legal and institutional framework on immigration, asylum and trafficking in persons in order to better manage migration flows, while ensuring respect for human rights, combating human trafficking networks and integrating migrants.

8. **Mr. Forax** (European Union) said that international migration was multidimensional and the current new patterns were an unprecedented phenomenon and a challenge that affected all regions in the world. In adopting the 2030 Agenda for Sustainable Development, the United Nations had recognized once again the positive contribution made by migrants to inclusive growth and sustainable development. The New York Declaration for Refugees and Migrants underscored the positive contribution of migrants for societies. International cooperation, in particular, among countries of origin, transit and destination, had never been more important. Action must be taken against xenophobic attitudes and the growing presence of organized criminal groups. Migrant smuggling and human trafficking continued to pose a real challenge to large numbers of vulnerable people, especially women and girls. He asked for examples of good practices with respect to international and regional dialogue and cooperation in order to maximize the potential benefits of migration and minimize related costs for countries of origin, transit and destination. He would also welcome information on best practices for integrating a gender-based approach in relation to migration policies.

9. **Mr. Al-Hussaini** (Iraq) said that Iraq's labour law prohibited mandatory and compulsory labour of all kinds, including slavery, indenture and the exploitation of migrant labour. Migrants had the right to the same quality of education, health care and adequate housing as Iraqi citizens. He asked about the best ways to protect the rights of those forced to migrate by terrorism or economic circumstances so as to ensure a dignified life for them and their families, and what mechanisms were needed in order to ensure cooperation among States in that regard.

10. **Mr. de la Mora Salcedo** (Mexico) said that the collaboration between the Committee on the Protection of the Rights of all Migrant Workers and Members of their Families, the Special Rapporteur and the Committee on the Rights of the Child was an example of a best practice that should be replicated. Mexico was particularly concerned about the detention of children for the purposes of establishing their migratory status, and wished to stress that detention was never in the best interests of children. Mexico was working on its third periodic report on implementation of the Migrant Workers Convention. He would like to hear about the ongoing dialogue with States that had not ratified the Convention because the rights granted under their national legislation were more comprehensive. Lastly, he asked for recommendations in regard to migrants returning to their home country.

11. *Ms. Mejia Velez (Colombia) took the Chair.*

12. **Mr. Ruiz Blanco** (Colombia) said that his country had adopted a human rights-based institutional migration policy in 2013. National and regional forums

had been created to identify migration problems and give them greater visibility in order to prevent exploitation and provide a faster response.

13. **Mr. Haque** (Bangladesh) said that his country was represented on the Committee and endeavoured to play a leading role in the promotion of migration. During the 2030 Agenda negotiations, Bangladesh had pressed for the inclusion of migration in the Sustainable Development Goals. The most important aspect of the high-level plenary meeting on addressing large movements of refugees and migrants had been the commitment by Member States to develop the global compact for migration.

14. Bangladesh had assumed the chairmanship of the Global Forum on Migration and Development in 2016 and had supported strengthening migration governance and promoting and protecting the rights of migrants irrespective of their legal status. It was also co-chair of the "Friends of Migration" Group in both Geneva and New York.

15. In light of the disappointment expressed at the lack of recognition of the Committee's work on migration, he asked what other activities the Committee was undertaking to protect and promote the rights of migrants.

16. **Mr. Uğurluoğlu** (Turkey) said that each day, conflicts and other destabilizing factors were forcing thousands of people to leave their homes. The framework established by the Convention was a great tool in the service of mankind and all States should consider signing it. Over 6 million Turks lived as migrant workers or family members of migrant workers, mainly in Europe. Taking care of their needs and helping them on their return home was a top priority for Turkey. Enlarging the coverage of the Convention was a crucial issue for his Government in its effort to uphold the rights of those migrants. No country of the Group of Western Europe and Other States (WEOG) other than Turkey was a party to the Convention. He wondered if the New York Declaration might play a role in prompting other States to join.

17. **Mr. Brillantes** (Chair of the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families) said that all necessary steps had been taken to ensure that the objectives of the Convention were clearly explained and disseminated to all countries. The representatives of all countries, even those that had opposed the Convention, had been contacted. Madagascar, the last signatory to the Convention, had signed in 2015.

18. Participation in the Global Forum on Migration and Development, which mainstreamed the rights of migrant workers, would be a good policy. However, the best solution for protecting the rights of migrant workers was to ratify the Convention. The Committee appealed to countries, especially members of the European Union, to do so, since it usually acted collectively on such matters. He was pleased to note that the gender-based approach had been adopted.

19. Iraq was to be congratulated on the provisions contained in its labour laws, especially those that prohibited slavery and ensured the right to education, health care and decent housing not only for its own citizens but also for migrant workers in the country. The best way to protect that mechanism was to ratify the Convention. Countries whose own laws were said to surpass the provisions of the Convention had every reason to ratify it, if only as an example to the rest of the world.

20. Mexico had been a leading light in the protection of migrant workers. It was to be commended for having steered the deliberations relating to the Convention and for its perseverance, despite lengthy arguments about wording from some major developed countries which, by their own admission, had had no intention of signing it.

21. During the recent refugee crisis, Turkey, in his opinion, had missed an opportunity to promote ratification of the Convention. In its negotiations with the European Union, Turkey could have insisted on ratification as one of the conditions for its agreement to host the vast portion of the mass movement of persons across its borders, which would have resulted in a significant increase in ratifications. In the case of Colombia, the human rights perspective had been encouraged and had produced examples of better treatment of migrant workers.

22. With respect to the New York Declaration, the international community had come to a critical point where it needed to demonstrate its commitment to the human rights of all people on the move, on the basis of international human rights and standards. Robust and

principled political leadership was needed. The Convention was part of the human rights treaty framework and set out the normative grounds for addressing challenges that migrants faced, with emphasis on respect for human rights and the rule of law. The openly xenophobic public narrative on migration was often based on misperception, prejudice and fear. In the Committee, strong leadership was needed to work towards evidence-based and migrant-centred narratives that promoted tolerance and strove to counter xenophobic attitudes. Emphasis must be placed on the positive contribution of migrants in bringing diversity and enriching societies across the world.

23. He was concerned at the weak language on child detention in the New York Declaration; Mexico had sought to ensure that provisions against child detention would not be watered down. Detention was never in the interests of the child. States should adopt alternatives that would allow children to remain with family members or guardians in non-custodial contexts while their immigration status was being reviewed, in accordance with the child's best interests and right to family life.

24. **Mr. Crépeau** (Special Rapporteur on the human rights of migrants) said that his report provided proposals for mainstreaming human rights effectively in the global compacts to be developed over the following two years. The report was a written response to the report of the Secretary General (A/70/59) which had served as input to the high-level plenary meeting on addressing large movements of refugees and migrants of September 2016.

25. Populations reacted to unregulated migration, but typically to the lack of regulation more than the migration itself. Migration governance was a question of multiplying regular, safe, accessible and affordable migration channels; eliminating unethical labour recruitment practices; providing pathways to permanent residence and citizenship; empowering migrants to defend themselves against exploitation; promoting integration in host societies; and celebrating the inexorably growing diversity of most societies. Without such channels, States were in effect subsidizing smuggling rings.

26. States carried out strategic planning in policy areas such as environment, transport and industry, yet often did not do the same for mobility and migration. The adoption of the 2030 Agenda had represented a step forward, since target 10.7 focused on the facilitation of migration and mobility. That did not mean opening up borders completely but rather lowering barriers through the implementation of visa facilitation schemes and the development of a human rights framework that empowered migrants to defend their rights.

27. States, United Nations agencies, civil society organizations and the private sector must ensure that the global compacts represented the start of a process. States should agree, at least for the global compact on migration, on a fifteen-year agenda to run parallel to the 2030 Agenda and to include timelines, benchmarks and accountability mechanisms. Such an agenda could be called the 2033 Agenda on Sustainable Human Mobility, since it would be launched in 2018. It could include chapters on such issues as student mobility, agricultural workers, family reunification and the guardianship of unaccompanied minors. Its implementation would be monitored by the annual meetings of the Global Forum on Migration and Development and high-level General Assembly dialogues.

28. Despite their flaws, the Millennium Development Goals had been instrumental in alleviating poverty and exclusion between 2000 and 2015 and had paved the way for the adoption of a far more ambitious agenda. The negotiation of the global compact on migration represented a similar opportunity. Much had changed during the course of his mandate; although States were still spending too much on border controls and not enough on integration policies, multilateral discussions on mobility and migration were now common, whereas they had not even existed 10 years earlier. The opening up of the 2010 Global Forum on Migration and Development to civil society and human rights issues, the 2013 high-level dialogue, the 2016 summits and the global compacts to be negotiated all represented landmarks on the road to better governance of migration and more responsible human mobility policies.

29. **Mr. Rabi** (Morocco) said that his delegation wished to commend the Special Rapporteur for being proactive and for providing substantive input for the preparatory meetings to the global compact on

migration. The compact would represent a significant advance in the protection of migrants and their rights and would be the first United Nations document to deal comprehensively with migration.

30. **Mr. Idris** (Eritrea) said that regular, safe and affordable migration was indeed the most effective way to address the exploitation of migrants by smugglers and traffickers. Every country must take responsibility for ending the suffering associated with migration, protecting and promoting the rights of migrants and welcoming human mobility as an integral and desirable aspect of the globalized world. Eritrea had played an active role in preparations for the high-level plenary meeting on addressing large movements of refugees and migrants and looked forward to contributing to the development of the global compact.

31. **Ms. Moreira Costa Pittella** (Brazil) said that it was vital to recognize the contributions of migrants to socioeconomic development, culture and education in destination countries. Migration policies should promote the integration of migrants and should not limit their access to basic services such as health care, as such approaches often encouraged xenophobic and racially discriminatory attitudes. Children were disproportionately represented among those forcibly displaced, and the global compact should include human rights-based alternatives to detention, which was never in the best interests of children.

32. **Mr. de la Mora Salcedo** (Mexico), reaffirming its commitment to upholding the rights of all migrants regardless of their migratory status, said that his country strove to emphasize the human dimension of migration and promote awareness of the positive links between migration and sustainable development. As part of that endeavour, Mexico played an important role in the Global Consular Forum, whose third meeting was due to start in the Republic of Korea the following day. Mexico was particularly concerned by xenophobic and intolerant political discourse and he asked what recommendations the Special Rapporteur would make in relation to the *Together* campaign launched by the Secretary-General to counter xenophobia and promote the inclusion of migrants.

33. **Mr. Kastanas** (Greece) said that his country was facing an unprecedented situation owing to the largest movement of refugees and migrants in Europe since the end of the Second World War, in particular an influx of 1.2 million migrants within a year and a half. Following unilateral border closures, over 60,000 migrants were stranded in Greece. The current crisis went beyond the capacity of any individual country to manage, as the Special Rapporteur had witnessed first-hand during his visit to Greece.

34. Migration was a global challenge and any solutions would require the burden and the responsibilities to be shared. The priorities included addressing the root causes, saving lives, protecting refugees and migrants in accordance with international law, and placing special emphasis on vulnerable groups. The joint European Union and Turkey statement of March 2016 had yielded satisfactory results and Greece looked forward to its ongoing implementation. Nonetheless, it was disappointing that the relocation mechanism had so far been unsuccessful. Greece had been working to upgrade its reception facilities, while also focusing on the education of refugee and migrant children. It looked forward to the final report of the Special Rapporteur on his visit to Greece, and trusted that it would be an important and useful contribution to the efforts of Greece and the European Union to establish durable solutions to the current crisis.

35. **Ms. Anichina** (Russian Federation) said that the complex migration situation in many regions of the world had been caused by irresponsible interference in the internal affairs of sovereign States in a bid to forcefully replace governments which had fallen out of favour. That approach had precipitated State collapse, humanitarian disaster, civil war and terrorism, jeopardizing people's safety and their freedom to exercise their rights and freedoms, and eventually forcing them to leave their country *en masse*.

36. In response to the Special Rapporteur's proposal to draft a global agreement on migration, she said that the Convention relating to the Status of Refugees, the Protocol relating to the Status of Refugees as well as international mechanisms such as the United Nations High Commissioner for Refugees and the International Organization for Migration had already proven their worth. They provided a solid enough foundation of international law to resolve migration issues; efforts should be made to realize their potential.

37. **Ms. Pritchard** (Canada) said that her delegation agreed that migration was not a crisis or a problem to

be fixed but rather a complex reality that presented opportunities and challenges. Referring to the call of the Special Rapporteur for a long-term vision of migration that was inclusive, coherent and comprehensive, she said that Canada saw great value in whole-of-Government and whole-of-society approaches to migration and displacement, based on its own experience. Diversity, particularly through immigration, was critical to long-term economic growth and prosperity in Canada. She would like to hear about the main roadblocks that lay ahead in the development of the global compact on migration, and how action to improve global migration governance could be prioritized.

38. **Ms. Johnston** (United States of America) said that the new global compact on migration should focus on the labour and human rights of migrants, address the needs of vulnerable migrants, highlight the positive impact of migration in countries of origin and host countries, and also address smuggling and trafficking. It should be a non-binding instrument building on the widely supported body of existing international law and best practices, with its overarching context provided by the 2030 Agenda. Existing frameworks would provide the basis for innovation.

39. The Special Rapporteur had called for a new United Nations institutional framework to address migration. However, that recommendation had been sufficiently addressed by the recent entry of the International Organization for Migration (IOM) into the United Nations system as a related organization. In relation to the proposal for integrating IOM into the United Nations, her delegation looked forward to the full implementation of its relationship agreement with the United Nations. Any recommendations regarding the mandate and financial structure of IOM were premature and were the prerogative of the States members of IOM. She would like to hear more about the best ways to promote implementation of target 7 of Sustainable Development Goal 10 and labour rights for migrants.

40. **Ms. Thomas** (Cuba) said that her delegation concurred that cooperation was vital, as was recognition by all States of their shared responsibility in migration matters. She would be interested in the opinion of the Special Rapporteur on the link between policies that resulted in disorderly and unsafe migration and the increase in victimization of migrants and their vulnerability to traffickers, and on possible action the United Nations could take to raise awareness of that connection.

41. **Mr. Ruiz Blanco** (Colombia) said that countries of origin, transit and destination needed to cooperate closely, as migration could not be managed unilaterally. The human rights policy of Colombia made clear that migrants were the subject of responsibility and protection, given their vulnerability. Colombia was determined to be a strategic ally in formulating ambitious policies that offered a safe and prosperous future to migrants.

42. **Mr. Nour** (Observer for the International Organization for Migration (IOM)) said that migrants must be at the centre of development of the global compact. Member States should all strive to take migrants back from the hands of smugglers and traffickers and to put in place ethical recruitment systems. Regarding vulnerable migrants, annex II of the New York Declaration for Refugees and Migrants was clear on the need for a State-led initiative to develop voluntary guidelines based on best practice. IOM would help Member States to draw on recent experiences and establish a consultative process and best practices. The entry of IOM into the United Nations system had been no surprise, and his organization's immediate contribution had been its migration governance framework.

43. **Ms. Hasan** (Indonesia) said that as a migrant-sending country, Indonesia had prioritized the protection of the rights of migrant workers. The creation of a bilateral, regional and international framework was essential, and to that end, Indonesia had taken a number of measures. It was a signatory to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which it had ratified, and had also played a role in creating a regional legal framework for the protection of the rights of migrant workers through the adoption of a legally binding instrument. Bilaterally, Indonesia had entered into memorandums of understanding to ensure protection of migrant workers, and provided consular support for Indonesians abroad. At the national level, Indonesia had passed a law to protect migrant workers abroad that would incorporate elements of the Convention.

44. **Mr. von Haff** (Angola) said that the visit by the Special Rapporteur to Angola in May 2016 had helped Angola change its policies and practices in line with human rights standards and laws, and had strengthened its cooperation with the special procedures system of the Human Rights Council. He asked what role the international community, including the United Nations, could play in strengthening the promotion and protection of the human rights of migrants, given the difficulties faced by States in addressing large-scale population movements in international forums.

45. **Mr. Forax** (Observer for the European Union) said that the report of the Special Rapporteur had highlighted how migrants could contribute to economic growth and development in host countries. However, migrants were exposed to various forms of violence and abuses fuelled by hate speech and populist political rhetoric that exploited popular fear. The report had also advocated for a shift in the way that migration was perceived, and he asked about possible measures at the national level that could promote positive narratives of migration and reinforce solidarity, mutual respect, a culture of tolerance and dialogue that favoured inclusive policies towards migrants. He also asked what practical measures could be taken to strengthen cooperation in addressing challenges posed by migration in a number of areas, such as human rights and economic development.

46. **Ms. Hafliger** (Switzerland) said that two issues addressed in the report should be highlighted. First, Switzerland agreed that there should be a change in the political and public discourse surrounding migrants and refugees, and instead of stressing national security, the emphasis should be placed on international cooperation and partnership. She asked for concrete proposals that would change existing policies and eliminate stigmatization and marginalization of migrants. Secondly, the Special Rapporteur had discussed the need to improve global governance of migration. Various forums, within the United Nations and outside it, existed to address that issue, such as high-level discussions on international migration, the General Assembly high-level meeting on addressing large movements of refugees and migrants and the Global Forum on Migration and Development. She asked what the Special Rapporteur saw as the future of global governance of migration in view of developments that would take place in elaborating a global compact on migration.

47. **Mr. Rohland** (Germany) said that migration was not a new phenomenon, and, as pointed out in the report, it had often been the young, skilled and ambitious who were willing to migrate, which explained why well-managed migration could contribute greatly to the economic development of the host country. Migrants were vulnerable to human rights violations at the hands of governments and traffickers and thus it should be stressed that all migrants must be protected. There had been some positive recent initiatives, including the New York Declaration for Refugees and Migrants adopted in September 2016. He would welcome some examples of best practices in countries adopting measures to manage migration, thereby speedily integrating migrants into those societies and protecting their human rights.

48. **Mr. Crépeau** (Special Rapporteur on the human rights of migrants) said that the Russian Federation had named international conventions and instruments needed for protection of migrants that already existed, but had neglected to mention the whole of the human rights framework. All international instruments applied to all migrants, and migrants had all the same rights as citizens except two, namely the right of entry into the country and the right to vote. The problem was that the framework was badly implemented. Only recently had national human rights institutions started thinking about migrants' rights as human rights, although there was in fact no distinction between the two. However, such a view could only be implemented through independent institutions such as the judiciary and civil society.

49. Current migrants were in exactly the same position in society as industrial workers in the nineteenth century, when the collective response had been unionization, collective bargaining and fighting exploitation. However, currently in many countries such a response was prohibited or prevented, and moreover, migrants were at pains to keep a low profile. Thus it was necessary to reduce the precariousness of their situations so that they would be able to unionize and negotiate with employers. Anyone who resided in a place for a lengthy period, respected the law and paid taxes should have the right to vote. Although migrants

currently did not have that right, that would be an issue to consider in the long term.

50. The greatest challenges to the implementation of the global compact were twofold. The first was the idea of sovereignty, interpreted as a strict limit on mobility. States saw sovereignty as the ability to block whomever they wished at their borders, but that idea was due for re-examination. The second was the concept of identity, which was being debated in many countries. As long as identity was seen as something that could not be extended to others, progress could not be made. A shift toward tolerance was being achieved through better training for journalists and the growing willingness of correspondents to visit places such as Lampedusa to report on refugees. In addition, youth in many countries were open to diversity and mobility, and churches, faith-based organizations, lawyers and non-governmental organizations were highly mobilized. His own country, Canada, allowed private sponsorship of refugees, an initiative that was a good rejoinder to the nationalist and populist politicians who opposed immigration.

51. Regarding the practical measures to foster cooperation on migrant issues among all stakeholders, he noted that migration was a complex phenomenon as well as a generational issue that would take time to resolve. The international community should take advantage of the global compact negotiations to adopt an agenda and a timeline conducive to the setting and realization of quantifiable goals, such as the liberalization of visa policies.

52. **Mr. Beyani** (Special Rapporteur on the human rights of internally displaced persons), introducing his report (A/71/279), said that while the World Humanitarian Summit had taken important steps to reaffirm that no one should be left behind, internally displaced persons had been sidelined at the Summit discussions on 19 September. In order to live up to the promise of leaving no one behind, much more needed to be done to protect and support internally displaced persons.

53. In August 2016 he had visited Nigeria. The focus of the visit had been on the situation in the northeast of the country, which had been affected by insurgency and the capture of territory by Boko Haram. Recent offensives by Government security forces had retaken some of that territory, but the civilian population had borne the brunt of the conflict, with thousands killed and millions forced to flee their homes. The situation of those internally displaced persons, the vast majority of whom were women and children, was grave. Many continued to face threats to their physical safety or had been traumatized. The international community must now act to ensure that food, shelter, medical care, water, sanitation and other essential services reached those persons without delay.

54. In September 2016, he had made a follow-up visit to Ukraine. While the Government of Ukraine had made progress in addressing the situation of internally displaced persons, including through the adoption of a law on internal displacement and the establishment of the Ministry for Temporarily Occupied Territories and Internally Displaced Persons, more needed to be done to effectively implement the law and to establish effective coordination mechanisms among various levels of government. A main challenge affecting the welfare of internally displaced persons in Ukraine was the link between registration as an internally displaced person and receipt of pensions and social benefits, a system based on verification of residence. Benefits and proof of residence should be delinked due to the difficulty of verifying the residence of internally displaced persons. In the absence of such verification, benefits had been suspended to approximately half a million internally displaced persons. Steps should also be taken to ensure freedom of movement and to facilitate the passage of pregnant women, children and the elderly through checkpoints.

55. In October 2016, he had visited Afghanistan, where the displacement situation was changing as the conflict intensified. In the first ten months of 2016, hundreds of thousands of Afghans had been internally displaced, and warnings by humanitarian partners suggested that many more people could be displaced before the end of 2016. However, the attention and resources allocated to them seemed to be waning. Many thousands lived in dire conditions and faced abject poverty on the margins of urban centres and saw their priorities as access to land, improved housing, education, health care, water and sanitation. Many lacked national identification cards, which reduced their access to government services. The Government of Afghanistan had demonstrated the political will to address the situation, but must intensify its efforts to meet the needs of internally displaced persons in light

of the deteriorating security situation. He also urged the international community to maintain its humanitarian partnerships with Afghanistan.

56. **Ms. Kupradze** (Georgia) said that the Special Rapporteur's visit to Georgia in September 2016 had been an important milestone, although it was regrettable that he had again been prevented from entering the occupied Abkhazia and Tskhinvali regions. It was vital for the Special Rapporteur to visit those regions, since they lacked international mechanisms to monitor the continuous human rights violations committed.

57. Hundreds of thousands of internally displaced persons in Georgia were still deprived of their rights to a safe and dignified return to their places of origin. In a 2015 survey by the United Nations High Commissioner for Refugees, 88.3 per cent of them expressed their willingness to return voluntarily to their homes. The installation of barbed wire fences and other artificial obstacles along the occupation line with the Russian Federation had also adversely affected the livelihoods and fundamental freedoms of the local population and sparked a further wave of displacements. Georgia was committed to promoting durable solutions for refugees and internally displaced persons and viewed their right to return to their places of origin as an overarching priority.

58. **Mr. Mahidi** (Austria) said that his delegation agreed that the root causes of migration should be tackled by focusing on preventing and reducing internal displacement before it happened. He asked what changes to the collaboration between humanitarian and development partners were needed in order to achieve the goal of halving internal displacement by 2030. As a proponent of the Human Rights Up Front initiative, his Government also wished to know how the new emphasis on predictive rather than reactive action would affect the Special Rapporteur's mandate.

59. **Ms. Mendelson** (United States of America) said that her delegation endorsed the proposal to re-establish the position of special representative of the Secretary-General on internally displaced persons, as a signal by Member States and the United Nations of their renewed commitment to addressing internal displacement. It would be interesting to know what advice the Special Rapporteur, who was reaching the end of his mandate, would give to leaders of key United Nations organizations on how to work together to address the immediate needs of internally displaced persons and foster durable solutions.

60. **Mr. Tsutsumi** (Japan) said that the international community focused a great deal of attention on cross-border movements of refugees and migrants, sometimes at the expense of the plight of the 40 million internally displaced persons worldwide. Given that the number of displaced persons had reached its highest level since the Second World War and was continuing to rise, he asked what the main obstacle would be to achieving the target of halving internal displacement by 2030. In too many cases, Member States, who bore the primary responsibility for preventing and resolving displacement crises, did not exercise their sovereignty to protect internally displaced persons. He wondered whether international human rights or humanitarian law could be used more effectively to encourage Member States to fulfil their obligations.

61. **Ms. Oertle** (Liechtenstein) recalled that the issue of internal displacement had been largely excluded from the New York Declaration for Refugees and Migrants, despite the fact that there were far more of them globally than refugees and asylum seekers. It would be interesting to learn the Special Rapporteur's views on how to follow up on commitments to reduce the number of internally displaced persons and where he saw the institutional home for dealing with them at the intergovernmental level.

62. **Mr. Uğurluoğlu** (Turkey) said that his country had hosted the World Humanitarian Summit in May 2016, at which a number of Member States and stakeholders had announced their commitments to reduce internal displacement and better address the needs of the displaced. The Summit had also captured new ways in which humanitarian and development actors could work together. Turkey pledged to continue to support the implementation of outcomes of the Summit and the work carried out by the Solutions Alliance.

63. **Ms. Mortaji** (Morocco), welcoming the emphasis in the New York Declaration for Refugees and Migrants on registering and recording the number of refugees, said that her delegation appreciated that a large proportion of the Special Rapporteur's report

focused on the collection of disaggregated data for needs assessment and on improving data gathering, analysis and profiling. She requested recommendations on how to increase the availability of such data, given that reliable information was vital to the formulation of policies for internally displaced persons.

64. **Mr. Al-Hussaini** (Iraq) said that the takeover by the terrorist group Islamic State in Iraq and the Levant (ISIL) of a number of Iraqi towns and cities had forced huge numbers of people to seek shelter in safer areas. Indeed, since June 2014, more than 3.5 million people had been forced from their homes by terrorist groups that denied Iraqis their most fundamental rights. ISIL had targeted religious and ethnic minorities, abducted, imprisoned, tortured or killed thousands of men, women and children, and had seized their property and possessions.

65. The Iraqi Government had taken prompt action to address that huge challenge and ameliorate the situation of internally displaced persons. To that end, it had established a high-level committee to provide them with shelter and relief assistance, ensure that they enjoyed access to relevant services, and accelerate efforts to improve their living conditions. Iraq had also established camps for internally displaced persons in safe areas and provided them with financial and other forms of support. It was also integrating internally displaced students into schools and universities, and had simplified the procedures by which they were issued identity documents. Iraq continued to pay monthly salaries and pensions to internally displaced employees and retirees and a number of Iraqi authorities, including the armed forces and the security agencies, were also providing assistance to internally displaced persons in the country.

66. His Government shared the concerns of the Special Rapporteur regarding the huge funding gaps in Iraq, which had severely hampered efforts by the United Nations to deliver assistance, and agreed that it was vital to strengthen the Organization's capacity to address the needs of internally displaced persons so that it could, inter alia, accelerate its delivery of assistance to those who needed it and support psychological treatment programmes for internally displaced persons, especially displaced women and girls who had been subjected to sexual violence.

67. **Mr. Wheeldon** (United Kingdom) said that the Grand Bargain, announced at the World Humanitarian Summit, was crucial in ensuring that the humanitarian system could respond to the needs of those affected by crises. The United Kingdom, for its part, had agreed to increase its multi-year humanitarian funding for protracted displacement situations. He asked what changes donors should regard as priorities to ensure the greatest impact on internal displacement.

68. **Mr. Lyngroth** (Norway) said that protection of internally displaced persons should receive more attention at the national, regional and global levels. Norway therefore supported the proposal to appoint a special representative of the Secretary-General for internally displaced persons, to whom appropriate staff and resources should be assigned.

69. **Mr. Ruiz Blanco** (Colombia) said that his Government no longer tackled forced displacement through short-term assistance, but through sustainable solutions that enhanced people's security and dignity and improved their active participation in the formulation of public policy. It had invested over $1.4 billion dollars over the previous six years in humanitarian assistance programmes, including in programmes to promote the economic well-being of victims of internal displacement. He hoped that the current peace process in Colombia would inspire other Member States to provide effective solutions to those affected by displacement and to devise innovative approaches to structural causes of displacement.

70. **Mr. Forax** (Observer for the European Union), welcoming the Special Rapporteur's view that the prevention of displacement depended on full respect for human rights, requested examples of rights-based approaches to the treatment of internally displaced persons. He also wished to know in what way a special representative of the Secretary-General for internally displaced persons might make the United Nations more effective at addressing internal displacement issues.

71. **Ms. Laissue** (Switzerland) expressed concern at the increasing number of internally displaced persons in conflict-ridden countries. It would be useful to know what priorities the concerned Member States and the international community should set to achieve the goal of halving internal displacement by 2030. It was regrettable that the topic of internally displaced persons had not been discussed during the United

Nations Summit for Refugees and Migrants in September 2016. She wished to learn what Member States could do to put the topic back on the agenda of the international community. Lastly, what major internal displacement challenges were likely to be faced and what should be the response?

72. **Mr. Mikayilli** (Azerbaijan) said that his country had been affected by huge internal displacement because of the continuing foreign occupation of a part of its territory. He welcomed the heightened focus on internally displaced persons, including in the 2030 Agenda and paragraph 20 of the New York Declaration for Refugees and Migrants, which called for further reflection on effective strategies to help internally displaced persons and prevent their displacement. He would appreciate the Special Rapporteur's opinion on how that paragraph might contribute to further international cooperation. His delegation supported the appointment of a special representative of the Secretary-General for internally displaced persons.

73. **Mr. Umar** (Nigeria) said that his Government was committed to supporting its national committee responsible for implementing international humanitarian law; ensuring safe passage of relief aid across its borders; providing military and security personnel with training on their humanitarian obligations; and incorporating humanitarian principles into its national policies.

74. **Mr. Beyani** (Special Rapporteur on the human rights of internally displaced persons) said that initiatives by the Governments of Georgia, Iraq, Turkey and Colombia to improve the internal displacement situation were laudable. Specifically, in Georgia, the provision of durable housing in response to a needs assessment had been impressive; in Colombia, he hoped that the peace agreement would address victims' issues; and in Iraq, he agreed that further engagement was required on the ground and greater preparedness for outflows of internally displaced persons.

75. The United Nations should reintroduce the position of special representative of the Secretary-General on internally displaced persons because, with the current scale of internal development problems, the multi-agency architecture needed to be redesigned. Whereas the Special Rapporteur was external to the system, the special representative would be within the system but have the freedom to act externally when required. It was important to have a high-ranking official in the field as an additional voice for the cause of internally displaced persons.

76. He called for new methods for collecting data, profiling and assessing the needs of internally displaced persons, while in cases where they were intent on returning to their country of origin, ensuring that durable solutions remained open to them. The Human Rights Up Front initiative, as a predictive approach, focused on pulling together country teams so that information could pass from the country level to United Nations headquarters. That in turn allowed early warning systems to be engaged before crises spun out of control and made it easier to predict the emergence of conflicts, instability and violence. The United Nations multi-agency system required better coordination on internal displacement matters across agencies' mandates, rather than relying on vertical and silo approaches.

77. Donors should regard their main priorities as shifting from a short-term to a medium or long-term approach, strengthening resilience and participation and investing in a system which promoted durable solutions for internally displaced persons. With the growing importance of development-based approaches, they should also endeavour to absorb internally displaced persons into development policies meant for communities rather than to consider the needs and interests of communities affected by internal displacement. Humanitarian and development partners could improve cooperation through solid policies based on specific issues; it was otherwise difficult for them to know the exact form that their engagement should take. The internal displacement strategy adopted by Georgia illustrated a good rights-based approach, as there was a benefits system structured on a weighted basis, complete transparency and participation of both civil society and internally displaced persons.

78. The goal set at the World Humanitarian Summit of halving internal displacement by 2030 was not merely a statistic but had been designed as a catalyst for crafting durable solutions and increasing resources. The Summit had provided Member States with a framework upon which to build resilience and boost participation, as well as combining humanitarian and development approaches. While he thanked the United

Kingdom for contributing additional resources, fundraising targets set by countries and United Nations agencies tended to be met very rarely. Although the New York Declaration for Refugees and Migrants had only included one paragraph on internally displaced persons, it had proposed the important idea of reintroducing a special representative on internally displaced persons. The 2030 Agenda would be a good opportunity for returning internal displacement to the agenda of the international community.

The meeting rose at 5.55 p.m.

United Nations A/C.3/71/SR.29

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Chair: Mr. Eriza (Vice-Chair) ..... (Indonesia)

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In the absence of Ms. Mejía Vélez (Colombia), Mr. Eriza (Indonesia), Vice-Chair, took the Chair.

The meeting was called to order at 10.10 a.m.

Agenda item 68: Promotion and protection of human rights (*continued*) (A/71/40 and A/C.3/71/4)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/71/56, A/71/254, A/71/255, A/71/269, A/71/271, A/71/273, A/71/278, A/71/279, A/71/280, A/71/281, A/71/282, A/71/284, A/71/285, A/71/286, A/71/287, A/71/291, A/71/299, A/71/302, A/71/303, A/71/304, A/71/305, A/71/310, A/71/314, A/71/317, A/71/319, A/71/332, A/71/344, A/71/344/Corr.1, A/71/348, A/71/358, A/71/367, A/71/368, A/71/369, A/71/372, A/71/373, A/71/384, A/71/385, A/71/405 and A/C.3/71/5)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/71/379-S/2016/788, A/71/540-S/2016/839, A/71/308, A/71/361, A/71/374, A/71/394, A/71/402, A/71/418, A/71/439, A/71/554 and A/C.3/71/5)

1. **Ms. Elver** (Special Rapporteur on the right to food), introducing her report (A/71/282), said that the decision by the General Assembly to proclaim the United Nations Decade of Action on Nutrition created a unique opportunity to approach nutrition from a human rights perspective, and was therefore a significant step towards realising the fundamental right of everyone to adequate food. Her report emphasized that the human right to adequate food should be properly interpreted as the right to a standard of nutritional quality rather than a minimum number of calories. Nutrition was critical to the achievement and maintenance of good health, particularly for the most deprived populations, and was thus an indispensable component of the right to health.

2. **Mr. Uğurluoğlu** (Turkey) said that food security and nutrition issues continued to be relevant, especially with the adoption of the 2030 Agenda for Sustainable Development. Malnutrition was a growing threat that required the international community to adopt a comprehensive, multisectoral approach. He asked the Special Rapporteur to elaborate on the role public-private partnerships should play in meeting the targets concerned with food security and nutrition under the Sustainable Development Goals.

3. **Ms. Karimdoost** (Islamic Republic of Iran) said that international regulations were indeed needed to control the powerful economic actors flooding global markets with unhealthy food. The Guiding Principles on Business and Human Rights must be implemented to ensure corporate responsibility of the food and nutrition industry and enforce the rights of victims to seek redress for human rights violations, including in cross-border cases. Multinational corporations that were outcompeting local businesses in developing countries were perceived as not only an economic threat, but also a cultural one. Global food and drink firms expanding into middle-income countries argued that they were finding innovative ways to give poor people the kinds of choices the rich had enjoyed for years, as well as providing jobs, but health activists feared that the arrival of highly processed food and drink was a factor in the unprecedented rise of diseases such as obesity, diabetes, heart disease and alcoholism in developing countries.

4. **Ms. Ruminowicz** (Poland) thanked the Special Rapporteur for her recent country visit to Poland. Her Government's legislative and policy initiatives in support of ensuring that everyone could enjoy the right to adequate food included a financial support scheme targeting families with two or more children. As Poland became a major global food producer, her Government also sought to ensure that it produced the highest possible quality of food.

5. Child malnutrition presented an enormous challenge. More than 20 per cent of Polish children were either overweight or obese; her Government had taken various measures to address the problem, including, in August 2015, adopting a law on foodstuffs intended for sale to children and young people at educational institutions. The new law restricted access to food containing significant amounts of ingredients with potential negative impacts on health, such as fat, sugar and salt. She asked what other good practices the Special Rapporteur had identified to promote healthy diets among children and adolescents.

6. **Mr. Forax** (Observer for the European Union) asked what concrete policy measures States could adopt to combat malnutrition from a human rights perspective at the national level, in view of the strong connection between malnutrition and factors such as poverty, gender inequality, social exclusion and lack of access to water, sanitation, education and health services. How could State nutrition policies specifically target vulnerable groups including the unemployed, low-income families, children, rural women, older persons, and migrants and refugees? Secondly, given that climate change was likely to negatively impact global food security, sustainable development and efforts to eradicate poverty, he asked how food and nutrition policies could improve the resilience and sustainability of food systems and support a more equitable distribution of food resources.

7. **Ms. Brooke** (United States of America) said that despite not being a State party to the International Covenant on Economic, Social and Cultural Rights, her Government supported the human right of everyone to adequate food. Her delegation had a number of systemic concerns about the report, related to the Special Rapporteur's inaccurate depiction of trade, food production and intellectual property rights as factors causing malnutrition, despite historical and economic evidence to the contrary; as well as her mischaracterization of international human rights law. There was little analysis of the factors driving food production and consumption choices. The Special Rapporteur suggested policies that might, in fact, increase malnutrition, while objecting to a number of practices that had increased the availability of safe and nutritious food across developing countries, such as food production and trade. She made inappropriate policy prescriptions concerning areas such as tax, intellectual property rights, food production, trade, and restrictions on marketing and advertising. The Special Rapporteur should develop recommendations grounded in fact and consistent with countries' international obligations.

8. The United States had been the world's largest Food Aid donor for over a decade and remained committed to ending all forms of malnutrition, especially among children. She asked how the Special Rapporteur planned to address unhealthy eating habits.

9. **Ms. Hafliger** (Switzerland) said that the existing food production and marketing systems must be changed to enable universal access to healthy and nutritious food. Worldwide, the production of primary food products must be diversified, policies and investments should support small farmers to produce nutritious food while enjoying decent conditions of life, and governments should identify priorities with regard to the effective implementation of legislation on the realisation of the right to food.

10. She asked, firstly, how the Sustainable Development Goals could take into account the progress that had already been made on sustainably improving the existing food production systems, and specifically how the Goals could address the problem of obesity in industrialized countries. Secondly, she wondered how the private sector, including small farmers, could be encouraged to adopt production and processing models that would support a diversified, nutritious diet, while contributing to society socially and environmentally. Lastly, she asked what non-financial incentives governments could provide to private companies in order to improve the existing global food system.

11. **Ms. Mballa Eyenga** (Cameroon) said that while the transnational corporations that controlled global food supply chains necessarily had a role to play in realising everyone's right to food, there were clear conflicts of interest, with transnational corporations being partly to blame for malnutrition. Transnational corporations' home countries had a crucial role to play in making sure that nutrition policy was approached from a human rights perspective. In view of those considerations, she asked the Special Rapporteur to provide some examples of good practice to show both how home countries could regulate transnational corporations and how companies could be socially responsible.

12. **Ms. Savitri** (Indonesia) said that numerous Indonesian programmes and frameworks illustrated the importance that her Government attached to food security. Her Government had recently mainstreamed the 2030 Agenda into its national development plan, enacted legislation on food security and nutrition, and, in 2012, launched a nutrition awareness programme designed to promote healthy and balanced food consumption patterns, with a particular focus on

maternal and infant nutrition. Her Government had extended an invitation to the Special Rapporteur to conduct a country visit to Indonesia.

13. **Ms. Moutchou** (Morocco) said that the comprehensive approach to food security adopted by her Government was resulting in significant progress. Agricultural production was being enhanced under the Green Morocco Plan, launched in 2008, and a national nutrition strategy for the period 2011-2019 was in place.

14. Large corporations' aggressive marketing tactics were concerning, especially when they targeted children. She asked what concrete recommendations the Special Rapporteur had for States and the private sector to counter the promotion of mass-produced, unhealthy foods — particularly their promotion by famous athletes and at major sports events such as the Olympic Games.

15. **Ms. Gebrekidan** (Eritrea) said that her Government had issued a standing invitation to the Special Rapporteur to conduct a country visit to Eritrea. Achieving food security was her Government's highest priority under its work to eradicate poverty. It was currently focusing on irrigation systems, water and soil conservation, water harvesting and strengthening infrastructure, all with a view to increasing food production and improving food distribution. In a region severely affected by drought and damaged by El Niño, her Government's success in making adequate food available to all its citizens was a testament to the effectiveness of its approach. However, much remained to be done and her Government remained committed to ending food insecurity.

16. **Ms. Elver** (Special Rapporteur on the right to food) said that the 2030 Agenda was a comprehensive document: in addition to Goal 2 on hunger and malnutrition, many of the development issues it addressed, such as women's empowerment, water and climate change, were directly or indirectly related to food security and malnutrition. The Agenda avoided explicit references to food as a human right, however, and it was therefore important to push for the right to food to be addressed through the Sustainable Development Goals.

17. The private sector comprised a significant part of the nutrition industry and therefore had an important role to play in ending malnutrition. National regulatory frameworks should be designed to achieve the right balance between allowing companies to pursue profit, and holding them accountable for contributing to ending food insecurity. From a human rights perspective, it was extremely important to protect small farmers and support local consumption, rather than permitting multinational corporations to maintain control over food production. It was necessary to address the right to food in relation to the refugee crisis and migration, but the topic was so broad that it merited its own separate report, as did nutrition policy in relation to climate change.

18. She had not misinterpreted international human rights law in her report, as the representative of the United States had claimed. The United States did much valuable work helping to feed the world, particularly in war-torn countries, but the developing world would like to be able to feed itself. Currently only six huge corporations ran much of the food industry worldwide. Corporate sponsorship of sports events by companies that sold unhealthy food was indeed problematic, and needed to be addressed.

19. She had witnessed the good work done by the Polish Government first hand; specifically, the new law restricting the sale of unhealthy foods to children was praiseworthy. That Government should also consider restricting advertising. She would send a written response to the Swiss delegation, which had raised questions that called for detailed answers. She intended to set a date to conduct a country visit to Indonesia, and thanked the Government of Eritrea for its standing invitation.

20. **Ms. Boly** (Special Rapporteur on the right to education), introduced the report of her predecessor, Mr. Singh, on the right to education (A/71/358), which focused on lifelong learning. Lifelong learning benefited not only learners, but also employers, social partners and society as a whole. The education sector should work closely with private technical and vocational training institutions, while the corporate sector and employers should ensure that workers could access opportunities for lifelong learning to enable them to improve their skills and competencies.

21. Setting out the priorities for her term, she said it was important to ensure that all children had access to quality education, including in emergency situations.

She would explore advances in education systems, including decentralization, innovative management ideas and resource mobilization, and examine the role of civil society, parents, students and other actors to ensure that the needs of all stakeholders were met. Another area for investigation was informal education, given that there were millions of out-of-school children, including many with special needs.

22. As an African woman from a nomadic herding community, she had defied the odds to complete her education. Her background meant that she was uniquely positioned to understand the challenges that prevented vulnerable groups from accessing education. She would strive to ensure that her story was no longer an exception.

23. **Ms. Mkhwanazi** (South Africa) said that the right to education, including adult basic education, was enshrined in the Constitution of South Africa. The country's national qualifications framework would help to redress past unfair discrimination and give everyone access to lifelong learning, education and training opportunities.

24. According to the report, financing lifelong learning was the co-responsibility of various stakeholders under the overall promotional and coordinating role of Governments. She would be interested to know the views of the Special Rapporteur on the role to be played by the corporate sector in that regard, given that the voluntary nature of corporate social responsibility meant that it often had no meaningful impact. She also wondered, in the context of increasing migratory flows, how access to lifelong learning opportunities for migrants could be ensured.

25. **Ms. Redinha** (Portugal) said that for too long, education in emergency situations had been deemed a luxury by humanitarian and development actors. In the light of the New York Declaration for Refugees and Migrants, which had committed States to promoting tertiary education, skills training and vocational education, she asked what measures States should take to achieve those ambitious objectives and safeguard higher education in emergency situations.

26. The right to education interfaced with other human rights such as the right to work, to housing and to health; lifelong learning was a powerful driver of personal and social change. She asked what States could do to facilitate the right to lifelong learning in the context of the 2030 Agenda, and what measures States could take to strengthen the normative framework for lifelong learning in a way that was compatible with the right to work and family life.

27. **Ms. Karimdoost** (Islamic Republic of Iran) said that her delegation agreed that States had the obligation to develop comprehensive, inclusive and integrated policies for adult learning and education in its various forms according to their specific conditions, governing structures and constitutional provisions. However, it was difficult for developing countries to meet the increasing demand for higher education and lifelong learning opportunities and respond to the changing needs of learners in terms of knowledge, skills and competencies. International cooperation for lifelong learning was therefore critically important.

28. **Mr. Ríos Sánchez** (Mexico) said that a number of mechanisms and programmes had been established to facilitate lifelong learning in Mexico, including a national institute for adult education. He asked the Special Rapporteur to comment on how developing countries could comply fully with their lifelong learning commitments when many were still struggling to provide basic free education. Noting that the report indicated that the corporate sector, employers and social partners, including civil society and local communities, should be involved in the design of lifelong learning programmes, he requested the Special Rapporteur could share experiences and best practices in that regard. Lastly, he asked what role technology could play in efforts to ensure the right to lifelong learning.

29. **Ms. Al-Temimi** (Qatar) said that education was a key factor for achieving sustainable development. In 2009 Qatar had established the World Innovation Summit for Education to bring together decision makers and experts with a view to sharing ideas and improving education. The theme of the 2015 session of the Summit had been "Investing for impact: Quality education for sustainable and inclusive growth".

30. Noting that lifelong learning was an important opportunity for the growing numbers of refugees and migrants in the world whose formal education had been interrupted, she said that Qatar had incorporated lifelong learning, including technical and vocational education and training, into its education initiatives,

including initiatives it was implementing in emergency and conflict situations, such as the "Qatar Upholding Education for Syrians' Trust".

31. Recalling Goal 4 of the Sustainable Development Goals on ensuring inclusive and equitable quality education and promoting lifelong learning opportunities for all, she asked how States could ensure that sufficient resources were allocated to raise awareness and achieve that Goal.

32. **Mr. Torbergsen** (Norway) said that the report of the International Commission on Financing Global Education Opportunity called for the creation of a "learning generation", with all young people in school and learning within a generation. If that goal were achieved, gross domestic product per capita in low-income countries would be almost 70 per cent higher by 2050 than if current trends continued. The report also warned that the cost of not making the necessary investments in education would be extremely high. New technology would increase the demand for highly skilled labour and make many low- and medium-skilled jobs obsolete, which was a strong argument for supporting lifelong learning. Norway would continue to increase its development budget for education and would double its support over a four-year period.

33. **Mr. Forax** (Observer for the European Union) asked the Special Rapporteur to share specific examples of effective normative frameworks for lifelong learning. In the light of the new opportunities afforded by information and communications technology, he wondered how international cooperation could be harnessed to further develop open educational resources and massive open online courses, as well as how fraudulent or abusive practices could be avoided. Lastly, given the need for increased mobilization of financial resources, it would be interesting to hear about best practices in that regard, including public-private partnerships.

34. **Ms. Moutchou** (Morocco), noting that the report indicated that the normative bases of adult or continuing education had been expanded by instruments created by the International Labour Organization (ILO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO), requested additional information on those instruments. She also asked how resources for lifelong learning could be mobilized; how people could be encouraged to engage in lifelong learning; and what role the private sector should play in providing lifelong learning and training opportunities.

35. **Ms. Naeem** (Maldives) said that the right to education was enshrined in the Constitution of Maldives. Primary and secondary education was free for both boys and girls and the country had achieved universal access to education from pre-primary to secondary level, with a literacy rate of over 98 per cent. Her Government was committed to ensuring that no child was left behind and to promoting lifelong learning, including technical and vocational training for young people.

36. However, given the dispersed nature of the population of Maldives — most of the country's 187 inhabited islands had fewer than 1,000 residents — there were disparities between communities in the provision of education and technical and vocational training. In that connection, it would be useful if the Special Rapporteur could elaborate on the common challenges faced by small island developing States such as Maldives in delivering essential education programmes, including vocational and technical training, and offer suggestions as to how to address such challenges.

37. Ms. Mballa Eyenga (Cameroon) said that more information on the role that businesses could play in developing the skills of the population would be welcomed, as well as examples of good practices. She asked what could be done to promote the principles of collective responsibility in lifelong learning and the right to education more broadly, with the aim of increasing private sector involvement and in view of existing public budget constraints.

38. **Mr. Arslan** (Indonesia) said that his Government continued to allocate 20 per cent of national and regional budgets to education. Through the Ministry of Education and Culture, it had established an online library containing school materials for students at all levels of education. The digital reading equipment necessary to implement the system, such as tablet computers, would be provided by libraries. He requested further information on issues of access to education and the fulfilment of the right to education, particularly in countries with post-conflict situations, and asked what the best strategy would be to ensure that the right to education was realized in those countries.

39. **Ms. Boly** (Special Rapporteur on the right to education) said that Member States would need to continue to make plans and provide mutual support to address the challenges relating to planning and implementing lifelong learning. All countries should adopt a holistic vision of education beginning in childhood. Basic education did not signify only formal primary education but also informal and non-formal education, including education for teenagers unable to go to school and adults who had not attended school. All levels of education must be taken into account, with all learning spaces used and valued equally. Legislative frameworks, such as the framework proposed by UNESCO and ILO, would be helpful in that regard.

40. In terms of domestic legislation, countries should undertake long-term planning and ensure that all individuals had the opportunity to learn, regardless of their situation in life. People in vulnerable situations, such as migrants, must have access to education as a matter of urgency. With regard to private sector involvement in vocational training, international examples of good practice could be found in Finland, Switzerland and, in particular, the Republic of Korea, which had been praised by UNESCO.

41. States must be conscious of the choices they made when using educational resources, and the allocation and management of all resources should be fully transparent. As mentioned by the representatives of Qatar and Norway, the importance of education to national and global development made it crucial to examine how sufficient resources could be mobilized. The initiatives taken by the Global Partnership for Education should continue as a matter of urgency; she would advocate for an increased mobilization of resources in order to ensure that countries were able to dedicate 17 per cent of their national budgets to education.

42. Initiatives had been undertaken to ensure that public-private partnerships were established and used effectively to prevent any increase in social inequalities. States should properly regulate the involvement of the private sector in education through legislation; in order for private sector involvement to be successful, all stakeholders should be aware of their rights and responsibilities. Those responsibilities should be agreed upon and coordinated as it was not advantageous to allow partnerships with the private sector to be driven by profit.

43. **Mr. Alston** (Special Rapporteur on extreme poverty and human rights), introducing his report on extreme poverty and human rights (A/71/367), said that he was disappointed to note that his statement was not being webcast live.

44. In 2010, United Nations peacekeepers had brought cholera to Haiti, affecting 8 per cent of its population. Despite efforts by a number of civil society groups, the United Nations had refused to accept responsibility for the introduction of the epidemic; contested the scientific evidence on the basis of a flawed assessment; insisted that no legal claim for negligence could be brought against it; refused to consider the payment of any form of compensation; issued no apology; and taken insufficient action to promote and strengthen eradication efforts. That approach had flouted international law and enshrined a double standard that exempted the United Nations from having to respect human rights, while reinforcing the perception that United Nations peacekeeping operations could disregard with impunity the rights of people being protected. It also undermined the credibility of the United Nations; jeopardized the immunity of the United Nations by making it synonymous with impunity; and left the United Nations vulnerable to eventual claims for damages and compensation by not providing the legally required settlement.

45. After his report was leaked to the *New York Times* in August 2016, the United Nations had reversed some of the most problematic aspects of its Haiti cholera policies. In particular, through the leadership of the Secretary-General and the Deputy Secretary-General, it had established a two-track Haiti Cholera Response Multi-Partner Trust Fund to raise at least US$400 million. The Trust Fund was operational, despite the devastation caused by Hurricane Matthew, which had both exacerbated the problems and complicated fundraising. In response to the review of scientific literature contained in his report, there had been a de facto abandonment of the long-held position that it was unclear whether or not the United Nations forces had introduced cholera. He remained hopeful that an apology would be issued, although there had not yet been any recognition of legal responsibility,

any agreement on the use of terms such as 'compensation' or 'reparations' or any legal settlement, as required by law.

46. Given the political will of the United Nations to resolve the issue by taking all necessary and feasible measures, it was unclear why the relevant steps had not been taken. Although it had not been publicly acknowledged by anyone in the United Nations, his inquiries had shown that the most significant obstacle to resolving the matter in a way that comported with the rule of law, respected human rights, restored the credibility of the United Nations, and honoured the victims, was the insistence by the Office of Legal Affairs that the United Nations must avoid accepting responsibility. That position was compounded by the veil of silence that had been drawn over the issue to the extent that no official would discuss the matter publicly or privately. The Office had neither made the relevant advice public, nor provided it to other United Nations offices. There had been no satisfactory official explanation of the policy, no public attempt to justify it, and no known assessment of its consequences for future claims.

47. It was unclear why the Office of Legal Affairs had taken such an uncompromising and destructive position, which was not supported by relevant longstanding practice or its own prior advice. One plausible explanation was a concern that any acceptance of responsibility would potentially jeopardize the immunity of the United Nations in the case of Haiti or in future lawsuits. However, there was no basis in law or practice to justify elevating that largely hypothetical and speculative concern to the extent that it superseded an otherwise compelling case for respecting international legal obligations. Such actions constituted impunity masquerading as legal prudence, and raised questions about the ethical duties of legal advisers.

48. There was reason to believe that the position adopted by the Office of Legal Affairs was consistent with views pressed at the time by the United States of America. Although it had a strong interest in the issue as a neighbour of Haiti and the principal contributor to the United Nations peacekeeping budget, the United States had never responded to requests to publicly state its legal position on the matter. The American position seemed to be based on the idea that the United Nations must follow American legal practice, which generally avoided accepting legal responsibility when it could possibly be avoided, due to the unknown consequences for subsequent litigation. The United Nations, however, operated in a radically different context to the American legal system; its reputation for compliance with the rule of law and international law, including human rights, was part of its raison d'être.

49. A viable and principled alternative for the United Nations would be to follow the procedure in the Convention on the Privileges and Immunities of the United Nations, and provide an appropriate mode of settlement for the victims' claims. That approach would neither jeopardize the immunity of the United Nations, nor lead to any higher financial settlement than had already been proposed. It would not open any floodgates of future claims for crimes such as sexual abuse by peacekeepers, as those were not private law matters. It would also enable the United Nations to live up to its international legal obligations and its commitment to the rule of law, human rights, transparency and accountability.

50. The second option was to accept the view put forward by lawyers that all conceivable legal risks should be avoided, no matter how attenuated, speculative and unlikely they might be. That approach involved the rejection of legal responsibility even in cases in which the law and longstanding precedent would demand it. The result would be the rejection of accountability and the embrace of both immunity and impunity, which were contrary to everything for which the United Nations stood.

51. The choice of either approach would have significant legal and practical consequences. The consequences of following the advice of the Office of Legal Affairs would include the inability of the United Nations to ever accept responsibility in the Haiti case unless the legal position was changed; the ambiguity about the causes of the outbreak would then remain unresolved. Furthermore, instead of paying reparations, all payments would be made on an ex gratia basis, which would be viewed by many as an act of charity. It would make a mockery of the cathartic role played by a public apology and recognition of responsibility, as well as of international legal norms relating to reparation and assurances of non-recurrence. Moreover, in the absence of accountability there was

no incentive for changes to be made to United Nations practices. The Haiti case showed that, when an international organization was primarily concerned with avoiding responsibility and controlling potential damage to its own reputation, attention was distracted from the pressing cause, appropriate action was delayed, and peacekeepers were slow to learn key lessons. That approach would cause further damage to the reputation of the United Nations among the very people it was supposed to be assisting.

52. The position taken in the Haiti case would impact any future cases in which the United Nations might be involved. Instead of providing for a mechanism capable of resolving disputes quickly and consistently with the rule of law, the approach advocated by the Office of Legal Affairs subjected any future claimants to a lengthy process of public demands and would cause embarrassment for the United Nations, before perhaps leading to an eventual settlement.

53. Two steps were therefore required. The United Nations must revisit the fundamentally flawed 2013 legal advice and replace it with a procedure that protected the Organization's immunity, while avoiding impunity. Member States should back up their words of sympathy and concern for the cholera victims by making generous contributions to the Trust Fund.

54. **Mr. Rattray** (Jamaica) said that the Special Rapporteur's report gave his delegation hope that the calamitous situation in Haiti and the denial of responsibility by the United Nations had not gone unnoticed. The abdication approach described by the Rapporteur did a grave disservice to the people of Haiti, called into question the impartiality and credibility of the Organization, and damaged its international reputation. While welcoming the announcement of an assistance package, his delegation also stressed the need to provide redress for those affected by the outbreak, and to assist Haiti in working toward its development goals. He asked how Member States could help move the Organization's response in the right direction.

55. **Ms. Anichina** (Russian Federation) said that the Special Rapporteur should not have commented on the immunity of the United Nations as the interpretation and application of the relevant conventional basis fell outside his mandate. The immunity of international organizations was one of the factors that allowed them to function effectively.

56. **Ms. Marteles Gutiérrez del Alamo** (Spain) said that her country had been providing assistance to Haiti since the 2010 earthquake and after the devastation wreaked by Hurricane Matthew. Spain welcomed the Secretary General's announcement of a new approach to cholera in Haiti. Cholera could be eradicated if prevention were prioritized and transmission eliminated in the medium to long term through substantial investment in water and sanitation.

57. **Ms. Mkhwanazi** (South Africa) said that, notwithstanding the causes of the cholera outbreak in Haiti in 2010, the report and its findings centred on the notion of the justiciability of economic, social and cultural rights. Her delegation requested further information on how best to encourage States to be more receptive towards that notion. The role of the company responsible for waste management could not be ignored. South Africa concurred with the Special Rapporteur that the approach of simply abdicating responsibility was self-defeating. She asked for the Special Rapporteur's views on the accountability of the corporate sector in cases where it violated human rights.

58. **Ms. Kirianoff Crimmins** (Switzerland) said that acknowledging moral responsibility towards the victims of the cholera epidemic in Haiti was as important as the specific measures proposed to combat the disease effectively and ensure hygiene and health in the long term. She urged the Secretary-General to take the steps necessary to implement the new United Nations strategy.

59. **Mr. Forax** (Observer for the European Union) said that the European Union welcomed the Deputy Secretary-General's proposal to implement a cross-cutting plan to combat the cholera epidemic in Haiti. He asked the Special Rapporteur how he envisioned the coordination of the various actions to halt the spread of the epidemic while pursuing implementation of the 2030 Agenda. He also requested the Special Rapporteur to provide recommendations on increasing the participation of civil society and those affected by extreme poverty in the decision-making process of the various action plans.

60. **Mr. Yang** Junzhi (China) said that China called on developed countries to honour their commitments to developing countries under the 2030 Agenda by providing them with adequate financial and technical support to improve their capacity to reduce poverty. Developing countries needed to formulate development strategies and economic policies in light of their specific situations, leverage their comparative advantages and enhance South-South cooperation. As the most populous developing country, China had always accorded priority to poverty eradication in its efforts to safeguard human rights; it had succeeded in lifting 700 million people out of poverty over 30 years, accounting for over 70 per cent of global poverty reduction. With regard to Haiti and the legal issue raised in the report regarding the interpretation of section 29 of the Convention on the Privileges and Immunities of the United Nations, China believed that that was a matter for the Sixth Committee rather than the Third Committee. He asked the Special Rapporteur whether he considered it part of his mandate to review legal advice of the Office of Legal Affairs and criticize its assessment of the non-receivability of claims under section 29 of the 1946 Convention.

61. **Mr. Adnan** (Iraq) said that his country had made great progress in reducing poverty rates and raising living standards with the assistance of the World Bank. His Government's strategy was aimed at ensuring peace and stability, but Iraq was facing the scourge of terrorism. The unstable security situation had a harmful effect on the population, especially the poor; there was a lack of job opportunities, scarcity of basic commodities, and low living standards. His Government was nevertheless working to promote good governance, fight corruption and enhance infrastructure.

62. **Mr. Régis** (Haiti) said that the Special Rapporteur's report gave his country hope. By acknowledging its responsibility, defending human rights and respecting human dignity, the United Nations would be equal to its purposes and principles. The Secretary-General had urged all Member States to cooperate in paying the necessary compensation, in accordance with basic legal principles. The response of the United Nations and the Member States would be seen as a test of their commitment to human rights and a fairer, more inclusive world. The political will of the United Nations had helped Haiti confront the epidemic; the same political will was needed from Member States and demanded the mobilisation of sufficient resources, without which little would change. Swift action was needed.

63. **Mr. Alston** (Special Rapporteur on extreme poverty and human rights), said that the new approach proposed was a huge breakthrough that could potentially mobilize $400 million in new funding, but was based on highly unsatisfactory circumstances. It was important to remember that many other countries could be affected by similar situations, and the reputation of the United Nations could again be at stake.

64. On the issue of the position taken by the United States Government, he said that members of the United States Congress had ironically called for their Government to pressure the United Nations to act correctly in the Haiti situation, seemingly unaware of the obstructive role played by their country. He believed that civil society organizations such as the Bureau des Avocats Internationaux and the Institute for Justice and Democracy in Haiti mentioned in his report had been absolutely central in exerting pressure on Member States, and he urged them to continue doing so. He hoped that the new Secretary-General would be prepared to reconsider the matter, but that would be difficult if outside political pressure continued.

65. He agreed entirely with the representative of the Russian Federation that immunity was important and that the Convention on the Privileges and Immunities of the United Nations must be respected.

66. He agreed with the representative of South Africa that corporate responsibility was important. However, States and international organizations also had responsibilities. The contractor in Haiti had been employed by the United Nations and negligence was covered by the contract, so the United Nations was as responsible as the corporate contractor.

67. In response to the question from the observer for the European Union on reconciling human rights and development approaches, he said it was imperative to advance on both fronts. The fact that an assistance package was being developed did not eliminate the human rights claims. As to the question on how civil society should be involved, he said that, following the issuance of his draft report in August 2016, he had

been informed that there would be full consultation with stakeholders, which was very promising. The constant involvement of victims and their representatives in the subsequent process was also required.

68. Congratulating China on lifting hundreds of millions of people out of extreme poverty, he said that he would be more than happy for the legal issue relating to the interpretation of the Convention on the Privileges and Immunities of the United Nations to be handled by the Sixth Committee, but no one had yet proposed that. As to whether it was appropriate for him to challenge the legal assessment of the Office of Legal Affairs, he said that the details of the legal opinion had been unknown even to senior officials; he refused to abdicate responsibility even if it were not considered appropriate for a Special Rapporteur to consider the issue of accountability of the United Nations and Member States.

69. Responding to the representative of Haiti, he said that the reputation of the United Nations had been tarnished not just as a result of failure to pay compensation, but above all by the disgraceful failure to admit that cholera had arrived through the negligence of the United Nations and its peacekeepers. He had hoped that the Secretary-General would end his term by issuing a genuine apology and offering compensation to the victims in Haiti. He had also hoped that the United Nations would implement a procedure based on the Convention on the Privileges and Immunities of the United Nations to avoid a similar situation in the event of future peacekeeping disasters. Sadly that had not happened.

70. The main challenge now was to ensure the availability of financial resources. States clearly did not consider it important to help Haiti financially, as only 18 per cent of the Trust Fund had been contributed. There was a strong feeling that the money being requested was not likely to be forthcoming; the Deputy Secretary-General had indicated recently that he would like $100 million intended for victims to come from the regular United Nations budget. The Special Rapporteur urged Member States to agree to that proposal and enable compensation to be paid to victims urgently.

The meeting rose at 12.35 p.m.